

# United States District Court

for the  
Western District of New York

United States of America

25-MJ- 94

v.

James R Muench Jr.

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*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about May 20, 2025, in the Western District of New York, County of Erie, the defendant, JAMES R MUENCH JR., knowingly and willfully entered an aircraft or an airport area at the Buffalo Niagara International Airport that serves an air carrier or foreign air carrier, by forcefully ramming his vehicle through a closed security gate and entering the secure aircraft operational area of the airport. All in violation of Title 49, United States Code, Sections 46314(a) and (b)(2).

This Criminal Complaint is based on these facts:

- Continued on the attached sheet.

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*Thomas C. Dewey*  
Complainant's signature

THOMAS C. DEWEY II  
TASK FORCE OFFICER  
FEDERAL BUREAU OF INVESTIGATION  
Printed name and title

Sworn to before me telephonically.

Date: May 27 , 2025

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*H. Kenneth Schroeder, Jr.*  
Judge's signature

HON. H. KENNETH SCHROEDER JR.  
UNITED STATES MAGISTRATE JUDGE  
Printed name and title

City and State: Buffalo, New York

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK )  
COUNTY OF ERIE ) SS:  
CITY OF BUFFALO )

I, Thomas C. Dewey II, being duly sworn, depose and state:

**INTRODUCTION**

1. I am a Task Force Officer of the Federal Bureau of Investigation and entered on duty in March of 2008. I am currently assigned to the Buffalo Field Office and work on cases associated with the Violent Crime Safe Streets Task Force, which includes individuals involved in offenses on aircraft. As part of these duties, I have become involved in the investigation of suspected violations of Title 49 of the United States Code. I make this affidavit in support of a criminal complaint charging JAMES R. MUENCH JR (“MUENCH”), with violating Title 49, United States Code, Section 46314 (Entering aircraft or airport area in violation of security requirements).

2. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers in this investigation, and upon my training and experience as a Task Force Officer of the Federal Bureau of Investigation. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that MUENCH violated Title 49, United States Code, Section 46314.

**RELEVANT STATUTE**

3. Title 49, United States Code, Section 46314 states, in pertinent part, as follows: “A person may not knowingly and willfully enter, in violation of security requirements prescribed under section 44901, 44903(b) or (c), or 44906 of this title, an aircraft or an airport area that serves an air carrier or foreign air carrier.”

**PROBABLE CAUSE**

4. On or about May 20, 2025, Niagara Frontier Transportation Authority (NFTA) Police responded to a breach of the secure airport perimeter at the Buffalo Niagara International Airport (BNIA), located in Cheektowaga, within the Western District of New York. The Airport is divided into publicly accessible areas (like the passenger terminal and parking areas) and secure areas (like the sterile gate area of the terminal, airfield movement areas, taxiways, runways, and all the aircraft ramps). BNIA serves multiple commercial air carriers (like Southwest, Delta, United, and American Airlines), freight carriers (such as FedEx and United Parcel Service), and several general aviation providers. The initial report to police was that a vehicle had crashed through a closed security gate and then continued onto the aircraft operational area (AOA) of the airport.

5. The entire perimeter of the Buffalo Niagara International Airport is secured via chain-link fencing with barbed wire and is only accessible to individuals with proper vetting and clearance. Visible “no-trespassing” signs are posted at various locations on the chain-link fencing surrounding the airport. Signage is posted along the perimeter fencing and at all access gates identifying the area as secure, and that only authorized access is allowed. The security measures also include electronically controlled access gates which allow cleared and badged

individuals entrance into the aircraft operational area. There are manned security checkpoint booths inside the AOA, with security guards who are responsible for verifying everyone's identity and confirm whether they are authorized to enter the AOA.

6. On May 20, 2025, a vehicle, described as a gray 2012 GMC Sierra pickup truck bearing New York registration 32069NC – later identified as belonging to the defendant, JAMES R MUENCH JR. - breached perimeter access Gate 1 at the Buffalo Niagara International Airport by forcefully driving up to the gate and intentionally crashing into and ramming the gate three to four times, bending the metal gate until failure. After breaking through the gate, the vehicle then drove through the Gate 1 area to the AOA without authorization, evading the security procedures or restrictions in place.

7. Gate 1 is a secure entrance to the airport area that consists of a reinforced automated chain-link fence that can be opened to allow authorized ingress and egress to the airport's AOA. The Gate 1 area has a security camera, a "no-trespassing" sign adjacent to the gate, and a security booth where a security guard works. The security guard is responsible for checking each person's information before allowing them access to the AOA.

8. After crashing through Gate 1, the vehicle was observed driving through various secure parts of the airport to include the airfield, aircraft taxiways, the passenger ramp where commercial aircraft are usually docked when transporting passengers, and the airport runway where aircraft take off and land. Vehicle access to all these areas is highly regulated.

9. The NFTA police responded to the scene and were able to follow the vehicle's tracks through the grass on the airfield. This led NFTA police to a decommissioned and non-operational training aircraft which is positioned on the western side of the airfield. Upon

arriving at the decommissioned aircraft, NFTA police officers were directed by airport field operations staff, who were working in the area at the time, to a male wearing a green shirt and rubber boots, as the person who operated the 2012 GMC Sierra pickup truck. This person was later identified as JAMES R MUENCH JR. The defendant was standing near his GMC Sierra pickup truck when NFTA police arrived, and he was arrested.

10. Interviews and review of the Buffalo Niagara International Airport surveillance video showed MUENCH driving his vehicle to the area where the decommissioned aircraft was located. After arriving at that area, the defendant exited his vehicle and climbed a set of access stairs and entered the decommissioned training airplane. He later exited the decommissioned airplane where he was arrested.

11. The defendant was also observed on video surveillance in his vehicle earlier that morning parked outside the departure area at the airport for an extended period, before he rammed his vehicle through Gate 1 to gain access to the AOA.

### **CONCLUSION**

12. Based upon the foregoing, I respectfully submit that I have probable cause to believe that JAMES R MUENCH JR. has violated Title 49, United States Code, Section 46314, in that he knowingly and willfully entered the secure area of the Buffalo Niagara International Airport, which serves numerous air carriers, when he repeatedly rammed the

security gate with his vehicle, and then drove onto the secure aircraft operations area in violation of security requirements.

*Thomas C. Dewey*  
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Thomas C. Dewey II  
Task Force Officer  
Federal Bureau of Investigation

Sworn to before me telephonically this  
27<sup>TH</sup> day of May, 2025.

*H. Kenneth Schroeder, Jr.*  
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HON. H. KENNETH SCHROEDER JR.  
United States Magistrate Judge